

REMARKS

The present application has been carefully studied and amended in view of the outstanding Office Action dated July 27, 2004, and reconsideration of that Action is requested in view of the following comments.

The specification has been amended to recite the updated status of parent Application Serial No. 09/853,406, now U.S. Patent 6,701,936, granted March 9, 2004.

Claims 17-21 stand rejected under the judicially created doctrine of obviousness-type patenting. A Terminal Disclaimer is submitted herewith in response to this rejection.

Amended claims 17-20 define the key feature of the invention which primarily comprises modification of a portion of a paper wrapped tobacco rod for reducing the contribution of a targeted smoke constituent which is maximized at that portion when the cigarette is ignited and smoked. These claims make it abundantly clear that only that selected portion of the paper wrapped tobacco rod is so modified. Similar modifications along the remaining length of the paper wrapped tobacco rod do not exist. Taste, flavor and the like are not effected along the length of the tobacco rod outside the selected portion.

This fundamental feature of the present invention is neither shown nor suggested by the prior art taken alone or in combination with one another.

White et al U.S. 5,829,453 ("White") and Hayden et al U.S. 5,109,876 ("Hayden") both teach modification along the entire length of the tobacco rod in distinct contrast to the selective modification of the present invention where only a selected portion is modified where a targeted smoke constituent is maximized.

Altering just a selected portion of a paper wrapped tobacco rod is significantly different from altering the entire length as taught by the applied references.

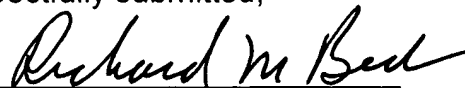
The smoke chemistry and presumed "taste" are unique only for those puffs which occur at the selected portion of the wrapped tobacco rod in the present invention while the remainder of the cigarette is unchanged. The prior art is significantly different in this respect, and utilizing the teaching of the applied references for modifying the entire cigarette results in a product where the entire cigarette is altered. This may not be satisfactory to the smoker.

Additionally, White and Hayden relate to modification of the entire paper wrapper while the present claims herein recite desired modification solely at a selected portion with the remaining portions left unmodified. Accordingly, the applied prior art where the modification exists over the entire length of the cigarette is quite different, and as such the prior art fails to disclose or suggest the claimed invention herein.

Accordingly, for the reasons expressed above it is believed that the present application is in condition for allowance and early notification to that effect is respectfully requested.

Applicant believes no fee is due with this response except the fee for the Terminal Disclaimer. However, if an additional fee is due, please charge our Deposit Account No. 03-2775, under Order No. 04981-00461-US from which the undersigned is authorized to draw.

Respectfully submitted,

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